

Blackbird-Millington Corridor Conservation Area Plan

Strategic Actions for Promoting Alternatives: Economic & Compatible Development

As previously discussed, strategic actions are the on-the-ground programs and activities developed (via workshops, focus groups, and individual meetings) to achieve the conservation objectives for the Corridor. Many of the agencies and organizations in leading and supporting these strategies were identifies, and most played a role in the development of those strategies. However, there are instances where leads were identified by others and the ability or commitment of the lead for carrying out the strategy is uncertain. Building any capacity or resources needed to carry out strategies is assumed to be the responsibility of the lead and supporting entities, with the recognition that there are no guarantees when resources are inadequate. Figure 32 is a table identifying all of the strategies (including those described below) and the primary attributes or threats that each was designed to address.

Another means for protecting Corridor priorities (although less reliable than permanent protection) is by offering and promoting alternatives that are compatible with conservation. These include alternatives for using land in a way that doesn't harm resources as much conventional development, and alternatives for providing economic benefits without development. The following strategies (summarized in Figure 35) are designed to encourage and provide these kinds of alternatives.¹

1. Use land use planning to more effectively guide development away from Corridor priority areas.

All three counties have made some effort to guide development away from important resources in the Corridor. In the Delaware counties, Transfer of Development Rights (TDR) holds some promise for guiding development away from precious Corridor resources. TDR is a market-based technique for guiding development away from places where a community would like to see less development (“sending areas”) and toward places where more development is desirable (“receiving areas”). Three key features for TDR program success are 1) designating sending areas where less development is desired, 2) designating receiving areas where more development is desired, and 3) providing incentives for using TDR that are attractive to developers. New Castle County has provisions for TDR but there are problems that prevent it from being used often and effectively today. For example, the approval process is so difficult and there are so many other less-difficult ways to achieve density bonuses, that there is insufficient incentive for developers to use TDR. The current approval process requires developers to identify the receiving property upfront and subjects it to anti-development sentiments from people living near the receiving area.

Kent County's new TDR program is new (in 2004) and not yet tested, but includes some of the provisions that make the approval process in New Castle County very difficult. One way to make the TDR approval process less burdensome is to make it by-right, removing or changing the public input requirements that make the process so expensive and time-consuming to developers. However,

¹ There may be minor differences in the wording of strategies presented in Figure 35 from those presented here, and in the Executive Report. Strategic Action titles/statements were simplified for brevity in the Executive Report, but numbering is consistent.

removing or lessening the public input requirement for projects involving higher densities is problematic to residents, who don't trust developers not to take advantage, or (in many cases) government to strictly enforce the rules. Therefore, any efforts to make TDR by-right will require educating people on why TDR is needed, and finding and employing the control mechanisms that provide public confidence that TDR will be administered in the public interest. This could be accomplished by holding public forums as part of the next comprehensive planning process.

The Delaware Office of State Planning Coordination can also play an important role in this effort, first by providing support and assistance for holding public TDR forums. *Liveable Delaware* grant funds from the Delaware Office of State Planning Coordination, or from the Delaware Coastal Management Program's Assistance to Local Communities could be utilized to finance a set of public debates/forums addressing TDR issues as part of the comprehensive planning process.

The State of Delaware's *Livable Delaware* initiative seeks to curb sprawl and direct growth to areas where the state, counties and local governments are most prepared for it in terms of infrastructure investment and thoughtful planning. By using the *Strategies for State Policies and Spending* adopted in 1999 the state attempts to guide harmful development activities away from areas designated as important "Green Infrastructure" with coordinated efforts by state agencies, conservation partners, and public and private landowners.² One of the tools used to guide large developments away from critical Green Infrastructure is the Preliminary Land Use Service (PLUS) process, administered by the Office of State Planning Coordination. This process could be used to emphasize Corridor priorities as areas away from which development should be guided. The Corridor is already recognized as an important area of Green Infrastructure and included on maps designating these areas.³ However, The Nature Conservancy can also present or otherwise share plan results to the Delaware Office of State Planning Coordination to guide the interpretation and use of Corridor priority area in the evaluation of development proposals for concurrence with the *Strategies for State Policies and Spending*.

In Maryland, agricultural zoning and strong resource protection provisions have been relatively effective at keeping the area rural and largely undeveloped. But as the region grows and development pressures increase, the pressure to change this zoning will also likely increase. It is important that Kent County, MD remain strong in its resolve to keep agricultural zoning in place, and that it institutionalize that resolve and its benefits at every possible opportunity.

All three counties include resource protection restrictions in their ordinances -- for example, ordinances that prevent 100% of trees from being removed, or protect historically wet or flooded areas from development. With different types and levels of restrictions in each of three counties (and in at least one county, great complexity regarding the application of these restrictions to a particular property/situation), determining the extent to which these various restrictions protect Corridor priorities is beyond the capacity of this planning effort. However, the counties themselves are urged to undertake that effort, and as a result, to find ways to better employ existing or new provisions to protect Corridor resources. Ordinances that restrict tree clearing should also be examined (and where applicable,

² Go to <http://www.state.de.us/governor/index.shtml> for more information on Delaware's *Green Infrastructure* or the *Strategies for State Policies and Spending*.

³ The *Green Infrastructure* mapping layer, which includes the Corridor, was used to update the *Strategies for State Policies and Spending* maps (Level 1-4) and are used by PLUS reviewers in the Delaware Department of Agriculture and DNREC to frame comments to developers via the Office of State Planning Coordination. (source: email communication with Karen Bennett, DNREC Division of Fish and Wildlife, February 2005.)

corrected) for their potential to penalize landowners who reforest. An important component of this effort will be to find a way to require not just that a certain percentage of habitat be protected, but to require protection of that portion of the property that best supports the ecological functioning of the larger landscape of the Corridor.

Ideally, the three counties could work together to plan for future growth, but today there is no real mechanism or directive for regional planning. New Castle and Kent Counties in Delaware can enlist the help of the Delaware Office of State Planning Coordination to explore ways to plan regionally. By taking a comprehensive look at development in the Corridor, and comparing the "build-out" allowed under current zoning to what is desired for maintaining Corridor resources, the counties can more effectively plan for the Corridor's future. A comprehensive, 3-County look at build-out for the Corridor and identification of the changes needed in order to achieve conservation would, ideally, be part of the next round of comprehensive planning for counties in the Corridor.

As part of all of these efforts, the counties and state (State Office of Planning Coordination and/or the Delaware Forest Service) must continue searching for new tools that can help make planning for forest conservation financially realistic. One possibility is the creation of a forest mitigation or banking pilot program in the Corridor, which would require developers who destroy forests to replace or mitigate their actions by reforesting or protecting key forest "gaps" in Corridor priority areas. The Pennsylvania wetland mitigation program offers a model for how such a program might be set up and administered. *Better Models for Development in Delaware* can serve as a resource for the counties and state in identifying and implementing more conservation-friendly development alternatives that to benefit the Corridor.⁴

2. Explore mechanisms for preserving the rural and scenic character of the Corridor through better planning of roads, sewers, and other public utilities (infrastructure).

The expansion of grey infrastructure like roads and sewers plays a huge role in the spread of residential and commercial development, especially where zoning does not restrict it. To combat this effect, state agencies in Delaware like the Department of Transportation and the Office of State Planning Coordination could designate the Corridor as an area where new and larger roads and sewer systems should be limited, focusing instead on maintaining and improving infrastructure to provide better, safer systems that will help keep the rural and natural character of the Corridor intact.

With guidance from non-profit organizations like Delaware Greenways, the Department of Transportation could identify key connectors, trails, and shoulders in the Corridor and explore the use of Transportation Enhancement funds to help provide additional recreational access and safe transportation alternatives there. The process of scenic roadway designation is already well underway for Route 9, which goes through the easternmost part of the Corridor; possibilities for a scenic roadway designation in the western portion of the Corridor could also be explored.

⁴ *Better Models for Development in Delaware: Ideas for Creating More Livable and Prosperous Communities*. 2004. The Conservation Fund in partnership with Livable Delaware Advisory Council and Office of State Planning Coordination.

3. To help keep farms in the Corridor, provide technical information/assistance to farmers (for example, on higher value crops, how to construct a business plan, alternative and renewable energy crops, and/or retail opportunities and niche markets for small farmers).

Rising land values and a shrinking agricultural land base make it increasingly difficult for Corridor farmers to make a profit the traditional way -- they need to employ new efficiencies and creative ways to make their businesses work. In response to this, smaller farms that service niche markets are a growing part of the changing face of agriculture. This changing industry has needs that are not yet fully understood by farmers, or local and/or state economic development agencies. The Department of Agriculture (DDA) and the non-profit Chesapeake Fields, Inc. can help farmers make this transition by researching niche markets for smaller farms and providing them with information and assistance for taking advantage of these markets. DDA can also help by using these results to inform the Delaware Economic Development Office (DEDO) on the economic development needs of the changing local agricultural industry. With greater recognition and understanding of these needs, DEDO and the state tourism office can develop and publicize incentives and technical assistance to attract and keep farmers in the Corridor. *A 2004 Readiness Assessment of Rural Delaware: Lower New Castle, Kent and Sussex Counties*, by ViTAL Economy, Inc. provides a variety of recommendations for DEDO to better address the changing economic needs of rural areas.⁵

Creating new direct marketing opportunities for Corridor farmers (or connect them to existing ones) is another way that the Delaware Department of Agriculture and Chesapeake Fields, Inc. can help farmers in the Corridor be more profitable. By building on past efforts of towns like Smyrna, local businesses/towns could be better connected with local farmers and craftspeople. By connecting with Chesapeake Fields, Inc., farmers can be exposed to creative new markets and products that can help them succeed. Many of these efforts are underway and there are also Cooperative Extension services provided through the University of Delaware on related topics to farmers. Coordinating, focusing, and tailoring these efforts will help avoid duplication and insure a consistent message.

In the meantime, there are existing sources of business assistance -- through the Small Business Development Center, farm service agencies, and cooperative extension agencies -- that are available to farmers, and that could be more actively promoted and advertised in the Corridor. The Nature Conservancy will disseminate this plan to these agencies/organization to ask them to focus outreach efforts to Corridor Working Lands Conservation Priority Area.

Holding a workshop in the Corridor would be an ideal way for DDA and Chesapeake Fields to get all of this vital information about new markets/products, niche markets for small farmers, and business development assistance out to the farming community in the Corridor. A workshop would also provide an opportunity for the counties and economic development agencies to network with farmers and learn more about their needs, and identify opportunities for collaboration between agencies.

⁵ Knott, Frank. 2004. Readiness Assessment of Rural Delaware. ViTAL Economy, Inc. (provided by the Delaware Office of Economic Development.)

4. To maintain the quality of streams and wetlands, find ways to minimize impervious coverage through alternative design, pervious surfacing and on-site mitigation (filter strips, buffers, etc.) where impervious surfacing is unavoidable.

Minimizing impervious coverage is crucial to maintaining healthy streams and wetlands and minimizing flooding and resulting property damage -- a reality of which water planners are well aware, but of which many other folks are not. Counties, the Department of Transportation, and the development community can work together to build communities with less impervious coverage by encouraging and using design standards with less paved areas, and more areas for natural filtration whenever possible. The Department of Transportation has developed a set of "mobility-friendly design standards" that are frequently not used, in part because of conflicts with emergency services. The Department of Natural Resources & Environmental Control (DNREC) and the Delaware National Estuarine Research Reserve (DNERR) can play a critical role by working with the State Fire Marshall to improve standards and codes so that accurately reflect the need to minimize impervious coverage for water quality without compromising human health and safety.

DNREC Coastal Management Programs and the Delaware National Estuarine Research Reserve can also help to educate landowners and residents about the importance of natural surfaces for water recharge and erosion control and about ways to keep more natural surfaces. Creating a pilot demonstration site that uses minimal impervious coverage, natural filtration like filter strips or rain gardens, and alternative pervious materials, would be a useful tool for educating everyone about the importance of pervious ground for water quality, and the things that residents and developers can do to minimize impervious surfacing.

Exploring new tools and mechanisms for decreasing impervious surfacing and/or increasing ground water recharge is also an important role for DNREC Coastal Management Programs and the Delaware National Estuarine Research Reserve to play in the Corridor. Developing new and creative incentives for minimizing or even removing impervious coverage are needed. Discussion in Delaware about the creation of storm water utilities may be an opportunity to implement such incentives, and should be explored as such.

Residents and landowners will play a critical role by minimizing their own use of impervious surfaces, and learning more about ways to incorporate pervious and semi-pervious surfaces and natural filter strips on their properties. In order to meet this challenge, they will need opportunities to learn and incentives to use what they learn.

5. Attract agriculture and resource-based business to the Corridor by including agriculture and resource-based industries in economic development plans for the Corridor.

Attracting farmers and other resource-based industries to the Corridor will help keep more of the Corridor's land in uses compatible with its rural and natural character (especially in the Working Lands Conservation Priority Area), and out of development. Comprehensive planning is an opportunity to make specific efforts to attract these kinds of economic uses to the Corridor, since they typically include a section on economic development. To be more effective in this regard, the counties in Delaware can work with the Delaware Economic Development Office to develop new and creative ways to include

agriculture and resource-based industries in the economic development goals/plans, with specific goals and actions for promoting those uses. (The readiness assessment recommendations referenced in strategy 3 above could be helpful resource for doing this.)